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Comparative aspects and the position of the suspect through the American and Greek criminal procedure systems

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Abstract: The present paper aims to provide a comparative overview of the procedural process involving the suspect, from the pre-investigation phase through the courtroom discussion. Our focus at all stages is the guarantees afforded to the suspect by the American criminal procedure system, through the roles played by the police, judges, and prosecutors in providing greater protection to the suspect until the courtroom discussion, from suspect to defendant, begins. Particular attention has also been given to the Patriot Act of 2001 and its protection rights for suspects undergoing investigations for terrorist acts.

Keywords: rights of the suspect; Patriot Act of 2001; comparative law; Greek criminal procedure law; prosecutor; rights of the defense; role of the American police; American

criminal justice; criminal mediation; expediting and streamlining proceedings in American justice.

Introduction

When speaking about the suspect in American criminal procedural law, we immediately turn to the Patriot Act of 2001 as a basis for criticism and positive positions regarding the procedural process of the suspect's rights.

The American system of criminal procedural law is highly complex. Two paths to justice can be identified within this system (Neubauer, Fradella, 2018). The first is the federal penal system, which relies on federal courts for federal crimes. The second is the states' courts, which relies on crimes originating from states. The relationship between these two systems is unique.

The courts are independent of each other, as the federal court is not a state court. The federal courts are internal, with judges and services that combat domestic crimes. The federal court collaborates in parallel with the states.

The distinction between federal and state courts is based on the type of crime. Each state court deals with crimes that fall within each state. Each federal court deals with crimes that fall within federal law. Each federal court deals with crimes that fall within federal law. The distinction between state crimes is specific to

each state. However, federal crimes are prosecuted for all states. Federal law deals with crimes of all states and of every court that has its own seat (Acker, Brody, 2004). There are two different systems for the administration of justice. The federal courts are divided into district courts and courts of appeals, which number more than 94.

The number of judges depends on the number of cases pending. The courts of appeals have 11 judges, and the number of judges varies according to the number of cases pending. In this case, the final instance is the United States Supreme Court (Neubauer, Fradella, 2018). To reach the final level, a substantial federal question must be based on a violation of the Constitution and/or federal law.

Regarding the state courts, we have the inferior or lower courts for misdemeanor crimes and major trial courts that deal with felonies. Regarding the appellate level, we have the intermediate courts of appeals (Acker & Brody, 2004). After the courts of appeals, we have the state supreme courts, which are part of a criminal justice system that is not the same as the United States Supreme Court (Neubauer & Fradella, 2018).

Distinction between punished crimes

The criminal justice system includes felonies, misdemeanors, and ordinary violations. Felonies are part of the substantive

American criminal law system and are punishable by up to one year in prison and/or the death penalty where applicable (Cassel & Bernstein, 2015).

Felonies also include crimes related to aggravated assault, arson, burglary, embezzlement, grand theft, tax evasion, kidnapping, rape, and fraud. Crimes punishable by the death penalty include espionage and murder.

Felonies are punished by federal courts and/or state courts according to applicable laws. Misdemeanors are crimes that under American law are punishable by one year and no more.[1] This category also includes crimes such as petty theft, prostitution, public intoxication, vandalism, drug possession, etc.

Ordinary violations include violations of administrative law relating to health and/or urban planning legislation, resulting in the payment of a fine and/or a short jail term.

Under current legislation, more than 50 states organize their substantive and procedural criminal systems for crimes and their consequences. Regarding the substantive system, there are distinctions regarding the practices of these crimes and the level

1See for example: 18 USC 3559: Sentencing classification of offenses: "a) Classification. An offense that is not specifically classified by a letter grade in the section defining it, is classified if the maximum term of imprisonment authorized is (1) (…) (2) (…) (3) (…) (4) (…) (5) (…) one year or less but more than six months, as a Class A misdemeanor; 7six months or less but more than thirty days, as a Class B misdemeanor; 8thirty days or less but more than five days, as a Class C misdemeanor; or 9 five days or less, or if no imprisonment is authorized (…)".

of punishment. From a procedural perspective, the procedure for federal crimes varies from state to state, and only at the procedural level does it concern the right to exercise resources and interests, such as the organization of state criminal courts, their organization, and hierarchy. The central and fundamental element is the United States Code, which is part of the rules of federal law and includes 50 titles created, enacted, etc. by the House of Representatives.

The code encompasses all branches of American federal law. The title 18 includes different crimes of the Crimes and Criminal Procedure Act. These are federal crimes, as well as procedural ones, leading to the arrest of a person as a suspect in a punishable crime.

According to Title 18 of the U.S. Code, which is part of the penal code and criminal procedural law of federal legislation (Scheb, 2009). The Patriot Act (Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act) of 2001 was created on 26 October 2001, to combat American terrorism. This legislation was passed with a large majority, including the Republican Party, as a result of the events of September 2001 in New York. The amendments to the laws were different under the Patriot Act.[2]

2PATRIOT Act include: Foreign Intelligence Surveillance Act of 1978; the Electronic Communications Privacy Act of 1986; the Money Laundering Control Act of 1986; the Bank Secrecy Act of 1970 and the Immigration and Nationality Act of 1952.

(Follows). Arrest

Arrest is the first step in initiating a case within the criminal procedural process. In the U.S., arrest means the deprivation of a person's personal liberty, as well as preventing the continuation of the same crime (Russell & Conser, 2005).

A warrant is not required in the following cases. The police officer is a witness to a crime. In this case, an arrest in *flagrante delicto* does not require a warrant. A police officer must provide accurate information regarding a specific crime being committed in order to proceed with an arrest. It is not necessary for the police officer to wait for the crime to be committed before proceeding with an arrest.

The police cover crimes that fall under misdemeanors and felonies. The police must have valid grounds to arrest a person based on specific facts without issuing a warrant. According to American theory and jurisprudence, this position is based on the Fourth Amendment of the American Constitution.[3]

Probable cause is part of the American theory, as the Supreme Court has addressed it on the presupposition of a person's arrest. There are positions that can create the belief that a crime has

3"(…) right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized (…)".

been committed and/or that one may have been committed.[4] Another position concerns the moment a warrant is issued, that is, the moment a police officer has a warrant for the arrest of a person to make his arrest valid. The issuance of a warrant by a judge is effective when a police officer, after an official statement, highlights and puts in the judge's hands the crime that has been committed, the place, the person, and permission to continue the arrest.

After the arrest, the police should inform the person of their rights, especially the right to remain silent, as well as the right to have an attorney to support the investigation and *ex officio* when the suspect does not have the funds to pay for an attorney. This is a practice that is part of Miranda rights. The Supreme Court's decision in Miranda v. Arizona, 384 U.S. 436 (1966) case highlighted that the police must inform the arrested person of his rights.[5]

The case just cited and the related right to silence are part of the amendment of the American Constitution, as a greater protection of one's rights[6] including the related rights which do not take as

4Draper v. United States, 358 U.S. 307, 79 S.Ct. 329, 3 L.Ed.2d 327 (1959). Carroll v. United States, 267 U.S. 132 [1925].

5Is affirmed that: "(…) have the right to remain silent. Anything you say can and will be used against you in a court of law. You have the right to an attorney present during questioning. If you cannot afford an attorney, one will be appointed for you. Do you understand these rights? (…)".

6"(…) person shall be held to answer for a capital, or otherwise infamous crime, unless on presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in

a means of proof and into consideration the formation of the judicial judgment for the guilt and innocence of the latter.

Detention

After detention, the suspect's information forms a criminal record. The criminal records office takes fingerprints and photographs of those arrested. It carries out a search, seizes any personal belongings, and decides whether to commit the suspect to the police station or the local jail.

The Sixth Amendment to the Constitution states that the suspect has the right to a speedy and public criminal trial.[7] Constitutional rules apply against the suspect who acquires the status of defendant. “Initial appearance” is also used in American criminal procedural law before a criminal court that decides on the payment of bail, its extension, and detention pending trial on the charges against him.

According to American law, which is in harmony with the Constitution, an arrested person should be brought before a

jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation (…)”.

7“(…) criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district where in the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process (…) to have the assistance of counsel for his defence (…)”.

judge without unnecessary delay.[8] This regulation operates in favor of the arrested person and within the limits of the time they can remain at the police station for 48 hours,[9] after the suspect's arrest in criminal court. Violations of this time rule and the length of detention at the police station can be used as evidence against the state.[10]

(Follows). Interrogation and prosecution

Interrogation in the American system is conducted by the police station that arrested the person suspected of a crime. The rules and procedures at this stage prioritize the right to remain silent, despite the fact that during the interrogation, the suspect is subjected to considerable pressure to declare the crime committed (Flemming, 1990; Siegel, 2017; Neubauer & Fradella, 2018).

The prosecutor is the primary agent in the criminal prosecution. Prosecutors are distinguished in charging decisions for federal and state crimes. Prosecutors have the executive branch in the US, are part of the Ministry of Justice, and are under the control of the Attorney General. It is similar to the English crown system, but the difference is that crown prosecutors are part of a single, unifying service. Instead, in the American system, they

8Federal Rules of Criminal Procedure, Rule 5 (a).

9County of Riverside v. Mc Laughlin, 500 U.S. 44, 111 S.Ct. 1661, 114 Ed.2d 49 (1991).

10Mallory V. United States, 354 U.S. 449, 77 S.Ct. 1356, 1 L.Ed.2d. 1479 [1957].

operate within a decentralized system, given that there are more than 8,000 independent federal and state agencies for criminal prosecution.

The US prosecutor has broad discretion in the exercise of his or her power and can decide whether or not to pursue criminal proceedings based on the evidence at his or her disposal and/or for other reasons of public interest. The notion of pursuing criminal proceedings and the lack of review of the prosecutor's decisions are related to the initiation and abandonment of criminal proceedings as a subject of the procedural review (Neubauer, Fradella, 2018).

(Follows). Initial appearance

After the criminal trial, the defendant's initial appearance in court is linked to the issue of detention and the charges against them. American law addresses the institution of bail bonds only when the accused pays for the right to appear in a future case. If the accused fails to appear in court, the judge issues a warrant for the accused's arrest. The time the defendant is held in custody is part of the judicial powers.

The Eighth Amendment to the U.S. Constitution states that the bond must not be too high.[11] This is because the money from a bond should not be interpreted as a collection of money by the

11"(…) Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted (…)".

government or as an unjustified punishment against the defendant. The purpose of the bond is to ensure that the suspect remains free before appearing in court, and the related bond declares his or her personal presence before the court and the beginning of his or her case.

For some crimes, judges set excessively high bonds, such as drug trafficking, kidnapping, etc., to keep the suspect/defendant in prison until his or her case begins. The suspect posts a bond until he or she remains free, and American criminal law recognizes certain forms of release for the arrested person before a charge is brought against him or her.

A suspect's initial release without bond and on their own recognizance is the term used in criminal law practice, meaning before the charge against them is tried. In practice, the guarantee is an argument that, in most cases, the defense attorney uses to free the defendant until the judge rules on his case.

Another possibility of releasing the suspect, even before the charge, is the possibility of restrictive measures. These are presented to the defendant at the police station and concern not leaving the home and the state, as well as undergoing consultations with specialists.

The preliminary hearing before the court

In American criminal procedural law, the preliminary hearing

and examination are part of a pre-trial stage that is publicly presented as evidence. The evidence is linked to the accused and the crime, which requires the start and extension of his detention, as well as his referral to a hearing to the grand jury. According to federal legislation, the preliminary hearing after the defendant's motion differs, depending on whether the arrested person is detained or not.[12]

The preliminary hearing is conducted by the magistrates' court, according to Art. 3060, par. 1 U.S.C. The accused, through his or her own attorney, should present his or her evidence, which includes witness statements. The judge decides whether there is reasonable evidence linking the specific crime to the arrested person.[13]The preliminary hearing, as a theory of a procedural stage and a general process, is characterized as:

"(...) a routine step of the process in which, in all cases, the court has its own clear evidence for the prosecution and, as a key element, the relative standing of the accused before the grand jury" (Neubauer, Fradella, 2018).

The existing elements are part of a general notion of a process that also lacks any standard of proof. In this case, there are no rules to follow and each case is handled independently.

Judges decide based on the cases and the evidence they have

12According to Art. 3060 U.S.C., the relevant deadlines affirms that: a) 10 days from the initial appearance of the accused in court, if the latter is in detention, b) 12 days if the accused has been released with or without bail. Extension of the above deadlines is permitted only with the express consent of the arrested person ("(…) with the consent of the arrested person (…)").

13"(…) determine whether there is probable cause to believe that an offense has been committed and that the arrested person has committed it (…)".

before them. Often, the preliminary hearing is part of the final decision that courts make in each case, giving greater weight to the elements and evidence the prosecution seeks to evaluate against the accused. If, according to the defense attorney, the case is dragged to court and it is necessary to show his cards, the trial is restricted without the presence of a jury (Regoli, Hewitt, 2013).

The defense attorney and the prosecutor present their evidence and proceed with the examination of witnesses. In this case, witnesses can also be examined from the defense's side. According to American theory, this is a moment that is evaluated to best serve the accused's defense.

If the court decides that there is evidence that does not link the suspect to any crime, it means that the suspect is immediately released, especially if he or she was in the process of being arrested. If this is not the case, and if there are elements of a charge against the accused and no other criteria exist for release, the referral to the jury is binding on the suspect (Neubauer, Fradella, 2018), who must necessarily appear before the jury.

What happens before the grand jury?

According to the Fifth Amendment of the Constitution, no person may be charged without first being issued an indictment by the grand jury. As early as the 19th century, the Supreme

Court[14] considered the institution of the grand jury unnecessary for every criminal case, as states have the right to use it according to local laws. The institution of the grand jury has a specific duration, and its members meet according to a fixed schedule of appointments for criminal cases. The number of participants varies depending on the term of the grand jury members. It normally reaches 17 members (Neubauer, Fradella, 2018).

The functioning procedure of the grand jury has the same in commons but is not part of the pre-procedural stage of the investigation or of the prosecution in the courtroom. Unlike the courtroom procedure, which is public, every grand jury is private and follows rules of privacy. The presence of the suspect or the defense attorney is not permitted.[15]

Decisions during investigations are made by majority vote. A finding of guilt against a person should be made by majority vote. The work of the grand jury is part of the investigation of the individuals who are members and serves evidence that is not related to the person accused on suspicion of a crime.

The jury formulates the indictment, identifying thus the charge. If this is not the case, the grand jury vigorously collects

14Hurtado v. California, 110 U.S. 516 (1884), 34, 216, 219.

15According to art. 6 it is affirmed that: "(…) following persons may be present while the grand jury is in session: attorneys for the government, the witness being questioned, interpreters when needed, and a court reporter or an operator of a recording device (…)".

evidence that is deemed insufficient to prosecute the accused in court. The members conduct investigations. The American legislature has granted a series of investigative powers at this stage that are oriented to the specific facts of the case in question (Neubauer, Fradella, 2018). The grand jury has the right to call witnesses and hear their testimonies. Furthermore, they have the right to request other documents used or not as evidentiary evidence.[16]

The prosecutor does not have the right to convince and/or influence the grand jury but can only take a stand when legal issues arise and members need assistance to continue the grand jury process, which is characterized by the absolute dominance of the prosecutor. The jury processes the witnesses' testimony. In practice, their job and ultimate goal is to verify what each prosecutor has decided before the indictment against a person suspected of a certain crime (Gaines, Miller, 2009).

The arraignment

The accused appears before a court, where they are charged and asked whether or not to plead guilty. Immediately afterward, the criminal case continues, even if the accused pleads guilty. The case proceeds to the competent court. However, if the defendant

16According to Article 28 U.S.C.: "(…) The court (other than a magistrate judge) may hold in contempt a witness who, without adequate excuse, disobeys a subpoena issued by a federal court in that district (...)".

pleads not guilty, the case proceeds to a final decision.

In American law, the content of the decision at this stage, and especially after the prosecutor's declaration that he has committed a guilty plea, is identified as a mechanism of plea bargaining. This involves a negotiation between the prosecutor and the prosecution aimed at achieving a mutually beneficial outcome.

On the one hand, the prosecutor agrees to the declaration of a procedure that identifies his or her participation and role. On the other hand, the prosecutor proposes the sentence, especially if the crime is connected to charge bargaining, count bargaining, and/or sentence bargaining (Neubauer, Fradella, 2018).

The mechanism of plea bargaining emerges from this work. This mechanism favors the speed of concluding and closing criminal cases. The negotiation procedure works against this mechanism. The problem is the underlying dynamics (Neubauer, Fradella, 2018) that are part of all American courts.

The prosecution prefers to evaluate a defendant's conviction rather than having a conclusive sentence that acquits the defendant after the jury's pronouncement in a courtroom case. On the other hand, conciliatory negotiation also lightens the judge's workload. This is called procedural economy (Heumann, 1981; Grano, 1997; Jackson, 1984; Maynard, 1984; Morrison, 1998; Cole, Smith, 2008; May, Minor, Ruddell, 2008; Gaines,

Miller, 2009; Siegel, 2017).

(Follows). Discovery

In American procedural criminal law, informing the defendant of the evidence against him is called discovery. This is a practice that occurs during the pretrial stage, in which the prosecutor discloses to the defense attorney evidence from witnesses, the location of the crime, the results of laboratory tests, etc. At this stage, there is no constitutional guarantee of prosecutorial control under Greek criminal law.

American theory and jurisprudence follow the same line.[17] Some courts[18] occasionally read evidence against the defendant during the cases, which tends to take a position against the prosecutor himself in court, as well as prohibiting and not using evidence collected in the past. This information, given to witnesses in favor of the accuser with prior knowledge, demonstrates the danger of pressuring witnesses.

Prosecutors informally declare the means they intend to use in court. This is a means of pressure aimed at establishing the suspect's guilt and ultimately requesting the court's leniency. This is a best-case scenario for prosecutors, who thus reassure the prosecution against the defendant without the need to hear the case in court.

17Weatherford v. Bursey, 429 U.S. 545 (1977), 250, 251.

18State v. Tune, 13 N.J. 203 (1953), 250, 399.

The use of information against the defendant depends on each charge. Prosecutors approach the matter with a conservative approach. Defense counsel provides information on the evidence and means used. The defense leaves no room for further consideration, preferring a defense that at all costs establishes the defendant's guilt.

Other prosecutors follow the middle-ground approach. In this case, they become aware of certain evidence and elements that are collected as evidentiary means to be used in court. Yet another liberal approach emphasizes the defense's evidentiary evidence, with the exception of certain reasons that preserve the elements for the defense's own line of defense.

The courtroom procedure (trial)

Until 1960, the question of whether a defendant could be convicted by a jury was a matter within the framework of federal but not of state law. After the Sixth Amendment to the American Constitution[19] and the position of the supreme court[20] a position was adopted referring that a conviction of a defendant by a jury is a constitutionally declared right, also applicable to

19"(…) criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence (…)".

20Duncan v. Louisiana, 391 U.S. 145 (1968), 34, 293.

all US states. Furthermore, a unanimous verdict was required to dismiss a defendant. Only six jury members are enough for a criminal case to proceed in the courtroom.[21]

The jury is selected and elected from a list called the Major Jury List. It is drawn up according to the lists from each court (Neubauer, Fradella, 2018).

The biggest problem concerned the institution of the jury, and especially whether it represented all levels of American life, that is, gender, origin, age, nationality, etc.[22] It ruled that state legislation that limited the presence and participation of women in jury service was unconstitutional. This is a specific stage that stems from state court jurisprudence.

The jury's objective is to ask questions related to the judge, their own defense, and the defendant, and to receive answers not only regarding the case but also of personal matters that are often irrelevant to the trial procedure but usually have a positive and/or negative impact on the defendant and on the entire case. If there are important elements that a jury member cannot address and protect his rights related to the case in an independently and impartially way, he should be replaced.

The defense begins its work with opening statements and these provide the elements that will be used during the trial to prove

21Ballew v. Georgia, 435 U.S. 223 (1978), Williams v. Florida, 399 U.S. 78 (1970).

22 Taylor v. Louisiana, 419 U.S. 522 (1975).

whether or not the defendant is accused and/or acquitted (Siegel, Worrall, 2015).

The prosecution also presents the evidence related to the accusation against the defendant. What concerns us is the weight of the evidence and the rules that apply to them. The weight of evidence problematically demonstrates the presumption of innocence. This means that the prosecutor should prove the accusation and not the opposite against the defendant.

The prosecutor should prove the elements related to the principle of beyond reasonable doubt. According to case law,[23] this term is not connected to the jury's conviction that the accused is guilty of every crime. The prosecutor must prove the defendant's guilt in court using the evidence at his disposal. The use of evidence is part of the rule of trustworthiness.

The judge should determine whether each evidence used is truthful and accurate. If there are doubts on the defense's part, the evidence cannot be used (Neubauer, Fradella, 2018). What interests us are the facts, the truthful elements that are part of hearsay evidence, such as evidence from witnesses. In fact, the judge when he sees that there is missing evidence that cannot be used can allow witnesses to be used to verify such claims.

Both the defense and the defendant have the right to ask witnesses questions related to the actual facts of the trial (Scheb,

23Victor v. Nebraska, 114 S. Ct. 1239 (1994).

2009). However, the witnesses cannot provide answers before the questions are asked (Hails, 2009). Personal answers that concern the witness's opinion and not the facts are not permitted. In these cases, the judge has the right to intervene and ask the witness not to answer such questions (Cole, Smith, 2008). The judge also has the right to ask the jury not to consider answers that are given untruthfully and cannot be used in the final verdict. Objections aim to prohibit the witness from answering these types of questions (Neubauer, Fradella, 2018).

After the witnesses have been examined, the defense takes on the role of continuing with a cross-examination and bringing other relevant witnesses into the courtroom. The defendant can be examined in court if he wishes. However, caution is required in this case, as if such a thing were to happen, there is the possibility of cross-examination by the prosecutor. This means that such a decision by the defendant is only considered in last-minute cases and after a joint decision by the defense attorney and the defendant.

After the witnesses have been examined, the lack of evidence following the closing arguments of both the prosecutor and the defense attorneys creates negative similarities during the courtroom proceedings.

The prosecutor begins with the evidence available against the defendant, attempting to convince the jury of his guilt. The

defense then tries to convince the jury that the evidence presented does not disprove the defendant and/or that the crime is perhaps a less serious one.

In this case, the prosecutor has the weight of the evidence for the prosecution, as well as the right to express a view on the matter (Neubauer & Meinhold, 2010). After the judge's guidance, the jury attempts to decide. If there are legal issues, questions, etc. that require clarification, the judge must address them and reply accordingly (Neubauer & Meinhold, 2010).

The jury's decision is public in the courtroom. However, if it decides that the defendant is not guilty, the conclusion is immediately adjourned in court. If the jury decides that the defendant is guilty, it has the right, through the defense attorney, to challenge the decision and, more importantly, to file post-verdict motions. In most cases, these are procedural objections, and if specific elements exist, a motion for a new trial is also requested. In practice, objections after the final ruling are few and are not accepted by the court (Neubauer, Meinhold, 2010).

(Follows). Related legal remedies

In the American system, the legal remedies used serve several important purposes. The first concerns errors created during the first-level sentencing process, namely, error correction. This usually concerns a misinterpretation of criminal laws. Another

reason concerns the functioning of the criminal justice system. The legal remedies permitted concern the second-level court, namely, the judicial policy formulation that is linked to a system of rules governing the interpretation of criminal law, as well as judicial doctrines, which are followed according to the needs and requirements of society itself.

American procedural law recognizes the right of the accused to exercise legal remedies, under certain conditions and conditions. For example, the exercise of legal remedies is permitted when the defendant is convicted of felony. Limitations of jurisdiction against the defendant are not permitted.

The exercise of legal remedies must be in favor of the defendant. For example, after a not guilty verdict against the defendant, the prosecutor cannot appeal that verdict and start the case over again. The Fifth Amendment to the American Constitution prohibits a person who has been acquitted from retrial.[24]

A convicted person has the right, but not the obligation, to pursue legal remedies (Neubauer & Meinhold, 2010). The exercise of legal remedies is linked to contested sentences. Only non-final sentences issued by American courts can be contested. The first-instance judge's decisions are made during the hearing and concern the use of evidence, as well as the general

24Ball v. United States, 163 U.S. 662 at 672 (1896).

interpretation of the procedural rules governing the conduct of the proceedings. They cannot be independently challenged by other legal means or remedies.

Another issue concerns the appeal procedure, including the review by the Court of Appeal of the first-instance decision. In this case, the appeal is admissible (Brody, Acker, 2010). In practice, the grounds for appeal are related to the composition of the case, the judge's erroneous decision, the witness's prohibition from testifying, or the provisions of substantive criminal law at the time of sentencing (Brody, Acker, 2010; Jenkins, 2010).

In American criminal law, the right of appeal is exercised only once. This means that in appellate court, if a case is accepted, the judge has the right to decide on these grounds, which constitute mandatory appellate jurisdiction. Regarding the appeal procedure, the convicted person, after filing the notice of appeal, declares to the court their right to reconsider his case at a second level. In this second level, the procedure is based on written briefs from the prosecution and the defense regarding issues inherent to the appeal. The defense examines, through its written brief and in its opinion, the errors or omissions made during the first level of the decision.

The prosecutor then attempts to establish the truthful decision that was made as well as decide why the defense's arguments should not be followed on the defendant's behalf. Oral

arguments from both sides before the court of appeal are also considered. In practice, the defense also submits questions before the judges, who will then decide on the appeal and the related first-instance ruling. A ruling from a court of appeal takes various forms.

The court of appeal can dismiss a case that essentially seeks to affirm the first-instance ruling. It can also consider that the court of appeal has chosen to erase errors. For doing this, the interested parties should return the relevant documents with the aim of reversing and remanding the first-instance ruling. The court of appeal, therefore, has the right to correct the error made at the first level and, if it is a reversible error, to erase it (Neubauer, Meinhold, 2010).

In this case, it is important to consider the Supreme Court's role as a procedural path regarding a writ of certiorari filed by one of the opposing parties who participated in a criminal case before the appellate court.

The purpose of the related petition is to examine and review a final ruling that is not binding on the Supreme Court. Supreme judges retain the right, by law, to decide in which instance they should proceed or not.[25]

The Supreme Court's acceptance to follow a petition after its registration in the judges' calendar highlights that the parties

25According to the Supreme Court this rights was affirmed by the Judiciary Act 1925.

must present written arguments regarding legal issues raised by the ruling by the pre-established date. Subsequently, the parties' progress is followed, as well as the date for the hearing and, subsequently, a related ruling.

Supreme court rulings are important because they have brought benefits to the American criminal procedure system (Neubauer, Meinhold, 2010). Supreme Court judges are generally occupied with legal issues, especially the unconstitutionality of a law, the legitimacy of an administrative practice, and general rules that relate to substantive procedural law.

In practice, the Supreme Court brings a decision regarding the legitimacy of the judges to the decision of a lower level of jurisprudence.

The suspect under the patriot act and its position before a trial

The Patriot Act makes no reference to the role and definition of suspect. Such an omission concerns the general nature of its text as well as the interpretation of the content of the relevant definition under consideration. This happens because the suspect is used and finds a broad interpretation of the procedural system according to the individual's status.

According to the American jurisprudence, after a person's arrest, practice offers various reasons linking the arrest to a crime.

Therefore, according to the Supreme Court, the facts known to the police station can provide convincing reasoning as to whether a crime has been committed or not.[26]

Under the Patriot Act and its related practice, a suspect is punished under anti-terrorism laws that include the role of suspect. Substantively, the concept of suspect is linked to the conditions for arrest. According to the procedural practice, a suspect loses his personal freedom from the police when a crime is committed. Legislators created a law based on the needs of the moment, especially after what happened in the Twin Towers of 2001.

According to Greek law, the suspect enters and participates in criminal proceedings in a harmonious manner, as well as in accordance with regulations that are also based on the American system, especially if there is evidence of guilt. According to Articles 275 and 276 of the Greek Code of Criminal Procedure, the role of the suspect under Article 31, paragraph 2 is in harmony with rules found in the Patriot Act.

American lawmakers introduce the role of the suspect within the text of the Patriot Act in the early stages of the criminal trial, that is, when an accusation against a person is announced. We cannot comment on the conduct of criminal proceedings once the investigations regulate that the suspect faces such a position,

26Draper v. United States, 358 U.S. 307, 79 S.Ct. 329, 3 L.Ed.2d 327 (1959), Carroll v. United States, 267 U.S. 132 [1925].

both in the American and British systems, and not just in the Greek one.

Cross-examination for terrorist actions

What was of greatest interest in the text of the Patriot Act was the flexibility of American intelligence agencies regarding national security, public safety, and the delivery of justice. The Patriot Act was based on a focus on an information system relating to various state agencies and departments that aim to combat terrorist acts in the American system.

Specifically, we are interested in Section 203 of the Patriot Act, which concerns the evolution of agencies and services that must exchange information regarding the public safety of individuals involved in terrorist acts. Public safety protects against aggression and terrorist acts originating from a foreign power.[27]

The legal issues that arise also concern other issues, such as the exchange of information from individuals who are suspects, and assumptions regarding the protection of the suspect from methodologies during proceedings. State agencies exchange

27"(…) ''foreign intelligence information'' means-A)information, whether or not concerning a United States person, that relates to the ability of the United States to protect against (i) actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power; (ii) sabotage or international terrorism by a foreign power or an agent of a foreign power; or (iii) clandestine intelligence activities by an intelligence service or net- work of a foreign power or by an agent of a foreign power; or B)information, whether or not concerning a United States person, with respect to a foreign power or foreign territory that relates to (i) the national defense or the security of the United States; or (ii) the conduct of the foreign affairs of the United States (…)".

information on suspects. Section 203 of the Patriot Act seeks to abolish any legal limitations regarding collaboration on terrorism matters. The possibility of exchanging information in areas that the law creates a wall makes the Patriot Act appear to some to be against this line and the exchange of information to be important for the fight against national and international terrorism.

What creates problems, not only from an interpretative standpoint but also in practice, has to do with the logic that the grand jury must follow, that is, the spirit of secrecy in the case of terrorist acts. Indeed, in such cases, the information must not be accessible to everyone, especially to third parties involved with foreign power. Perhaps a possible solution lies in section 905 of the Patriot Act.[28]

The relevant information during grand jury proceedings and within the framework of the investigation is not disclosed. A careful reading of the Patriot Act reveals that there is no prejudicial review that connects individuals. This means that the information disclosed in the grand jury continues to be subject to secrecy.

28"(…) Attorney General, or the head of any other department or agency of the Federal Government with law enforcement responsibilities, shall expeditiously disclose to the Director of Central Intelligence, pursuant to guidelines developed by the Attorney General in consultation with the Director, foreign intelligence acquired by an element of the Department of Justice or an element of such department or agency, as the case may be, in the course of a criminal investigation (…)".

The abolition of all restrictions on information provided in justice regarding terrorist acts and actions could lead to an infringement of procedural rights against an individual.

During investigations and against a suspect, information concerning one person cannot be related to or known by another. Thus, the suspect's whereabouts are kept secret. The suspect finds himself in a diminished position before the police, given that the police has evidence in its possession against a person who is currently unaware of the situation at hand.

Sections 203 and 905 of the Patriot Act are too general regarding information related to terrorism. This excessive generality allows a wide range of individuals to be involved in the evidentiary phase.

The information must be investigative in nature and must be related to the cooperation of a suspect from a foreign state. The procedural position of the suspect in the terrorist act appears to involve an information system that state bodies manage to combat international terrorism.

(Follows). Investigations in private locations

Another difficult and shady point concerns Section 213 of the Patriot Act, regarding the extension of authority to agencies responsible for combating terrorism in private locations used by

suspects who have committed federal crimes.[29] The recognition and inspection of a private location resulted, according to the Patriot Act, in the relevant arrest warrant.

The police involved should inform the suspect of the relevant warrant as well as of the investigation conducted at a private location. According to the Patriot Act, the police have the right to inform the judge and obtain a warrant to search the private location used by the suspect. The suspect does not have the right to be informed before the relevant search of the location, but only afterward, so as not to conceal and destroy important evidence that is valuable for the police's continued work against terrorist actions and acts.

The suspect's rights are not violated in this way, since a search requires a judicial warrant not only for terrorist acts but for any other crime deemed punishable by federal law. The problem remains in the case of an adverse outcome. The Fourth Amendment to the Constitution had already addressed and

29"(…) issuance of any warrant or court order under this section, or any other rule of law, to search for and seize any property or material that constitutes evidence of a criminal offense in violation of the laws of the United States, any notice required, or that may be required, to be given may be delayed if-1)the court finds reasonable cause to believe that providing immediate notification of the execution of the warrant may have an adverse result (as defined in section 2705); 2)the warrant prohibits the seizure of any tangible property, any wire or electronic communication (as defined in section 2510), or, except as expressly provided in chapter 121, any stored wire or electronic information, except where the court finds reasonable necessity for the seizure; and 3)the warrant provides for the giving of such notice within a reasonable period of its execution, which period may thereafter be extended by the court for good cause shown (…)".

regulated the protection of asylum and private property.[30]

Police conducting searches, such as a sneak and peek one, is often inconsistent with American criminal law. The Patriot Act,[31] states that the right of any person subjected to a search of his home is constitutionally valid. The Supreme Court,[32] based on the Fourth Amendment of the Constitution and the common law, has held that state bodies are required to inform individuals during searches of their private places of work or residence.

Even if this were the case, the issue with Section 213 of the Patriot Act and the Fourth Amendment remains unresolved. According to the jurisprudence of the American criminal courts, constitutional law provides for asylum protection based on a judicial warrant that the police must execute within seven days of its issuance. In Section 213 of the Patriot Act, the legislature used the term "reasonable period of execution" as the superior term for a search of private premises used by the suspect. This term does not include the superior term.

By comparison, in Greek criminal procedure law, Article 253 of the Code of Criminal Procedure provides the prerequisites for conducting proceedings on private premises, maintaining the

30"(…) right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized (…)".

31United States v. Villegas, 899 F.2d 1324 (2d Cir.), 1990, United States v. Freitas, 800 F.2d 1451 (9th Cir.), 1986.

32Wilson v. Arkansas, 514 U.S. 927 (1995).

principle of investigation, as is also the case in American criminal procedure law. Under Greek criminal law, a search can only be carried out when there is a specific objective: that is, to find evidence useful for declaring and ascertaining a criminal act. The purpose of the intrusion into a private premises level is to establish the maturity of the proceedings in order to proceed to the next step. The investigation and search, as a last-minute procedure, are not part of the pre-procedural level.

Instead, under the Patriot Act, investigations are permitted even in the stages before charges are filed against a person. The elements of the charges are part of an investigative process that, according to American law, has nothing to do with the level of evidence of guilt and arrest for a specific crime. The investigation prior to the official charging of a suspect functions according to the principle of proportionality, a major priority of American lawmakers and an evolution of American criminal procedural law. The police legitimize investigations as a practice that exists to protect the rights of the suspect.

(Follows). Police monitoring of a suspect's communications

According to Section 206 of the Patriot Act, the police can monitor a suspect's communications, including telephone numbers, emails, computer usage, text messages, etc. This type of monitoring occurs after a judicial warrant is issued. It is

intended to be used at both a procedural and non-prosecutional stage. This is a technical level that, according to American law and the Fourth Amendment to the Constitution, includes the relevant warrant to identify the place where the warrant should be executed.

According to Section 206, the judge is not required to use his own warrant to monitor a suspect's communications at a specific location.[33]. The police,[34] under the name of the suspect and according to the Patriot Act, can identify all the involving individuals through communications monitoring, even unknowingly, as a prerequisite for finding evidence related to terrorist actions. This is a typical monitoring.

The court follows the monitoring and control warrant pursuant to Section 209 of the Patriot Act.[35]The police is responsible for asking the judge to hand over and keep the voicemail of the terrorist suspect without being obliged to inform the person under this control.

33According to Art. 28 §2518 U.S.C. is affirmed that: "(…) interception of a communication under (a roving surveillance) order (…) shall not begin until the place where the communication is to be intercepted is ascertained by the person implementing the interception order (…)".

34"(…) identity, if known or a description of the target of the electronic surveillance (…)".

35"(…) entity may require the disclosure by a provider of electronic communication service of the contents of a wire or electronic communication, that is in electronic storage in an electronic communications system for one hundred and eighty days or less, only pursuant to a warrant issued using the procedures described in the Federal Rules of Criminal Procedure (…)".

The issue is not the delivery of the relevant material to the police, but the possibility for the Patriot Act to inform the suspect that the voicemail was given to the police without his consent (Smith, 2010). The use of the relevant information from this monitoring is made by the police without procedural limitations (Hails, 2010).

The acquisition of evidence for a warrant against a suspect who should be informed occurs only during the courtroom discussion stage, that is, once the process of converting the suspect into a defendant and the procedural consequences have been completed.

According to Article 206 of the Patriot Act, the situation becomes more difficult due to the lack of judicial oversight. This is because, after issuing his own warrant and handing it over to the police authority with access to the voicemail, the judge can store any evidence from the suspect that is relevant to the general conditions, without any judicial follow-up on how the evidence is used and exercised during the investigation.

Detention for terrorist actions

Temporary detention of a suspect is subject to 18 U.S.C. §3141[36] after a specific charge has been served against a person

36"(…) judicial officer authorized to order the arrest of a person under section 3041 of this title before whom an arrested person is brought shall order that such person be released or detained, pending judicial proceedings, under this chapter (…)".

under 18 U.S.C. §3142[37] and in case there is evidence that the accused is dangerous enough to escape and tamper evidence against him.

The Patriot Act status highlighted the practice based on 18 U.S.C. §4001,[38] given that after 9 settember, many people were under investigation and harassed by the police. This practice lacked a solid legal basis regarding the arrest of aliens, namely, the Immigration Act and deportation procedures.

Article 412 of the Patriot Act addressed the expulsion of aliens from the United States.[39] According to the Attorney General, the aliens could be involved in private security matters in the country. In such cases, he proposed holding aliens in detention for seven days before expulsion.

The Patriot Act allowed the Attorney General to decide, as there was no law regulating the matter. The Patriot Act was established in practice during the detention of aliens suspected of terrorist acts, without confirmation from the Attorney

37"(…) appearance before a judicial officer of a person charged with an offense, the judicial officer shall issue an order that, pending trial, the person be - (1) released on personal recognizance or upon execution of an unsecured appearance bond, under subsection (b) of this section; (2) released on a condition or combination of conditions under subsection (c) of this section; (3) temporarily detained to permit revocation of conditional release, deportation, or exclusion under subsection (d) of this section; or (4) detained under subsection (e) of this section (…)".

38"(…) citizen shall be imprisoned or otherwise detained by the United States except pursuant to an Act of Congress (…)".

39"(...) Attorney General may certify an alien under this paragraph if the Attorney General has reasonable grounds to believe 16 that the alien-(A) is described in section 212(a)(3)(A)(i), 212(a)(3)(A)(iii), 212(a)(3)(B), 237(a)(4)(A)(i), 237(a)(4)(A)(iii), or 237(a)(4)(B); or (B) is engaged in any other activity that 22 endangers the national security of the United States (…)".

General.

Unlawful combatants,[40] after their detention in the United States, do not enjoy the rights recognized by the Geneva Convention of 1949 for prisoners of war. The American Congress has also decided to use weapons against terrorists.[41] According to the US decision, it was stated that[42]:

"(…) detention, treatment, and trial of non-U.S. citizens in the war on terrorism". This order authorized the detention and trial of non-U.S. citizens by military commissions for crimes related to terrorism (…)".[43]

In practice, the American decision was based on non-American citizens and on people who had American citizenship without a charge in military prisons.

The relevant rights concerned the right to legal assistance as well as communication with the prisoner's family. The underlying issue is the failure to pursue legal means and support before the Supreme Court. According to the court[44]:

"(...) enemy fighters (...) detainees who are U.S. citizens must have the ability to challenge their enemy combatant status before an impartial judge (...)".

40Supreme Court (Ex parte Quirin, 317 U.S. 1 (1942).

41Authorization for Use of Military Force against Iraq Resolution of 2002, Pub.L. 107−243, 116 Stat.

42"(…) Detention, Treatment, and Trial of Certain Non-Citizens in the War Against Terrorism (...)", The White House, 13 November 2001.

43"(…) Sec. 4.: Authority of the Secretary of Defense Regarding Trials of Individuals Subject to this Order: (a) Any individual subject to this order shall, when tried, be tried by military commission for any and all offenses triable by military commission that such individual is alleged to have committed, and may be punished in accordance with the penalties provided under applicable law, including life imprisonment or death (…)".

44Hamdi v. Rumsfeld, 542 U.S. 507 (2004).

These positions also apply to non-American citizens who are considered enemy fighters. According to the Geneva Conventions, prisoners of war can appeal to the competent courts.

A notable point is that the detention of terrorist suspects is carried out with the support of military commissions for the final conviction of American or non-American detainees. They are arrested as enemy combatants. It is often created the impression that American legislation in this area is similar to civil law and even to ad hoc criminal courts. However, in our opinion, it seems unnecessary for enemy combatants to be detained by military personnel and not held in civilian prison and/or brought before ordinary criminal courts. There is also no reference point regarding connections with national laws concerning the procedural treatment of suspects, according to American law.

As far as Greek law is concerned, the concept of suspect in the pre-trial investigation phase is based on Article 31, paragraph 2 of the Code of Criminal Procedure. There are no procedural coercive measures. Conversely, American legislation has oriented itself towards the concept of temporary detention of persons suspected of terrorist actions and acts.

Equally important is the fact that in Greek criminal law, procedural coercive measures depend on the presence of

evidence of guilt, according to Article 282 of the Greek Code of Criminal Procedure. This type of evidence is used as a condition that legitimately imposes coercive measures and restrictive conditions. Evidence that establishes the defendant's guilt deems the imposition of these types of measures.

In a different way, the Patriot Act refers to evidence of guilt with the condition that it places in temporary detention a prisoner who has been involved in criminal acts that threaten the internal, national security of the American people. The American legislator does not require a specific executive body to justify its decision. In contrast, in Greek law, the warrant for temporary pre-trial detention must be justified and also monitored.

There is no formal requirement for certification by the Attorney General, which has been applied in practice.

The detention of suspects and the enactment of the Patriot Act privilege the exercise of the powers of the American police and the authorities assigned to them for the related task of countering terrorism. This pretentious nature places the provisions of the Patriot Act in relation to the detention of terrorist suspects. Thus, procedural coercion is considered the sole basis of legitimacy for certification by a supreme body, namely the Attorney General, who implicates the suspect in criminal acts. This appearance of legality concerns and affects

the conditions for impositions that are burdensome and do not apply to the practice that serves the objectives that led to the enactment of the relevant legislation.

Another fundamental difference in American criminal law is the imposition of temporary detention on terrorist suspects, which falls outside the jurisdiction of the judicial authority. Thus, the specific measure is attributed to the prosecutor general, as an organ of executive power, in relation to military commissions, which conflict with provisions found in Greek criminal procedural law.

The Constitution itself specifies, under Article 6, paragraph 1, that the issuance of a court-substantiated order imposes the measure of temporary detention. This type of implementation requires the attribution of jurisdiction to every investigator conducting investigations and to every judicial officer. The legislator in the procedural area goes even further, referring to the issuance of the warrant requiring the relevant consent of the prosecutor, who in practice is also a judicial officer.

Ultimately, the procedural objectives for temporary detention under the Code of Criminal Procedure, which prevents the defendant from reoffending, as well as Article 282 of the Code of Criminal Procedure, assess and determine whether temporary detention is necessary. This fundamental choice for the Greek legislator specifies the cases and procedural coercive measures

that are adopted. Most of them correspond to the Patriot Act, allowing thus the wholesale imposition of measures against suspects without an objective condition limiting the adoption of measures in necessary cases.

Conclusions

In the previous paragraphs, we analyzed some identified rights related to terrorist acts, as well as providing some conclusions and comparisons at the Greek and American criminal system. In the Greek system, it is noted that the procedural system established through the Greek criminal procedure parallels the English and American systems.

Laws no. 3160/2003, 3346/2005, and 3904/2010 require the Greek legislator to negotiate the position of the suspect in criminal proceedings and to attempt to establish additional characteristics of his status. The interventions of the Greek legislator regarding the suspect and the cause of the simultaneous enhancement of the investigation coincide with the US law.

The suspect is the protagonist of the procedure, which, according to Article 31, paragraph 2 of the Greek Code of Criminal Procedure, provides for a position that influences legislative interventions on the matter under examination.

There has been no other approach to the concept of suspect that takes into account important elements over time. A first point concerns the systematic inclusion of the suspect, the prejudicial period, and the exercise of criminal prosecution that occurs during the investigation as a whole.

The term “indications of guilt” considers it necessary to distinguish the concept of suspect from that of the accused, as the defendant. An initial interpretation of the indications of guilt within the investigation leads to the conclusion that the person considers their own defendant as the suspect.

A significant difference can be noted in the investigative procedures carried out, as well as in the procedural coercive measures imposed on the suspect and subsequently on the accused. This position stems from Article 31, paragraph 2 of the Code of Criminal Procedure, as well as from the fact that investigative procedures presuppose formal acquisition of the accused's status. Procedural coercive measures, in practice, raise the question of their imposition during the preliminary investigation phase.

Proof of guilt requires restrictive conditions of temporary detention. Such a proof is incompatible with the preliminary investigation phase. Proof of guilt is incomplete and does not justify the imposition of this type of measure. The absence of rules stipulates that the arrest and detention of the suspect

respect the law and the qualitative assessment of evidence of guilt, which is the responsibility of the police.

The Patriot Act is a significant legislative measure from a political and legal perspective. Procedural rules for those suspected of terrorist acts constitute a comparative level, as well as a specific category of legal norms.

The primary objective of the American state is to seek to prevent and suspend terrorist acts by clarifying the interpretative content of legal norms that establish the protection of persons involved in criminal proceedings. Within the scope of the Patriot Act, the norms have a varied exceptional character for the law in question. The legislative act operates within the spirit of limiting and abolishing pre-existing legislative investigative restrictions on state agencies involved in the fight against terrorism.

Examining the continuous amendments to the Greek Code of Criminal Procedure over the past few decades, it is clear that the ultimate goal is to simultaneously speed up and reduce the administration of criminal justice. These amendments are not always intended to speed up or modify Greek criminal courts' control during the pre-trial phase. A procedure that initiates criminal proceedings is linked to the pre-trial phase and implements appropriate legislative measures to expedite criminal proceedings.

Speeding up proceedings do not mean a lack of rights for suspects and defendants. The reasoning is that the criminal process and the time span between the discovery of the crime and the actual trial are short, but not necessarily fair. Speeding up the preliminary investigation and the main proceedings becomes the basis for a speedy trial, which arises in criminal proceedings.

These are characteristics of a reasonable trial period. This provision is relevant under Article 6, paragraph 1 of the ECHR. It presents itself as a comprehensible criminal conciliation that finds broad scope for understanding under Article 308B of the Greek Code of Criminal Procedure and in relation to procedural elements that refer to an advanced procedural stage within the scope of the preliminary investigation and the initiation of criminal prosecution.

The process of conciliation, negotiation, and compromise in the Greek criminal system is perceived within the context of legal systems that have adopted similar procedures with fundamental characteristics that follow the preliminary investigation. The evidentiary findings conclude the criminal process through the confession that is agreed upon with the guilt of the subject.

Both the American and Greek systems have procedural gaps in filing a criminal complaint and in criminal mediation, once the suspect has accepted the crime. These gaps are filled by

introducing an intermediate procedure related to the nature of the preliminary investigation, which verifies the validity of a factual complaint, gathers evidence relating to the suspect's incrimination, and provides explanations to the prosecutor, who holds the evidence to support the prosecution.

The preliminary examination prepares the evidence for the preliminary investigation phase. Criminal mediation allows the suspect to freely exercise his rights. It is an investigation and a mandatory procedure upon its conclusion, with the objective that the mediation phase highlights the regulatory role of the prosecutor throughout the criminal proceedings.

Criminal mediation highlights the prosecutor's role and the supervision of the investigation phase, as well as the suspect's responsibility and his ability to reach a compromise, which constitutes a network of responsibilities. It also highlights the prosecutor's powers in procedural phases, which have grown in a particular and precise way.

The Greek legislature's view of criminal mediation as a factor in streamlining and accelerating criminal procedural justice justifies the unconditional incorporation into Greek law of versions of a practice governing foreign legal systems.

The general and primary challenge remains the finding of a procedure capable of expediting the investigation phase while simultaneously harmoniously integrating Greek criminal

procedural law in a manner compatible with the principles and norms that govern it. Punishing crimes in ordinary criminal courts is a challenge that relates to the version of criminal mediation and the personal and functional independence that defines the concept of the ordinary criminal court as a plea bargaining agreement that constitutes punishment for a crime according to the provisions without intervention in the trial.

Each agreement within the scope of criminal proceedings cannot be treated as a specific issue, given that the contracting parties are equal participants in the process. Criminal mediation provides for and satisfies the fundamental rights of the suspect and falls within the scope of the representation of his or her lawyer, given the legal information of an agreement that is taken into consideration.

The relevant questions raised by the public prosecutor respond to the study of the initial complaint, which focuses on the truth of the attempt that convinces the public prosecutor of the content of his or her complaint. The conduct of a proceeding has investigative characteristics, and the collection of evidence addresses questions regarding the accused in his or her capacity as a suspect, as well as the right to appear and exercise the rights that are prescribed.

Finally, the affirmation and verification of the facts that constitute the agreement between the defendant and the

prosecutor, as well as the legal classification of a criminal act, means that the defendant agrees and cannot halt the relevant proceedings. The court's review of a criminal plea bargain fulfills the need to seek its essential truth and to clarify that the evidentiary material plays an investigative role. The court ultimately recognizes that the power to reject this type of agreement remains a point of reference for the suspect, who is accused, as a guarantee of his guilt.

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